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Letter dated 15 January 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I wish to transmit to you herewith a letter dated 12 January 2003 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning certain practices applied by the United Nations Compensation Commission as a result of which Iraq is deprived of the exercise of its right of self-defence, due to the fact that it is not given adequate time to answer claims submitted to it.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed S. **Ali**
Chargé d'affaires a.i.

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Annex to the letter dated 15 January 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

On numerous occasions Iraq has drawn attention to the fact that the working mechanisms adopted by the United Nations Compensation Commission prevent Iraq from exercising its right fully to defend itself and that the Commission and its secretariat have used the time factor and manipulation of the timing of the submission of claims to deprive Iraq of the exercise of its right of self-defence by not allowing it adequate time to answer claims submitted to it.

The United Nations Compensation Commission has forwarded to Iraq the documents for the fourth instalment of environmental claims, which amount to an estimated 51 billion United States dollars (according to the documents sent to the Government of Iraq), and has granted Iraq a period of one year, starting 30 September 2002, in which to reply, whereas the Iraqi group of experts created in order to answer environmental claims is busy preparing the answers to the third instalment of such claims, work on which is to continue until the end of March 2003, at which time the hearing on that instalment is to be held. In other words, practically speaking, the study of the fourth instalment claims will not start until after that date and Iraq will consequently have lost six months out of the allotted period. This will adversely affect the exercise of its right to defend the assets and interests of its people.

Iraq has previously requested the secretariat of the United Nations Compensation Commission to reconsider the time limit for Iraq's answers and pointed out the need to re-examine the timetable for environmental claims, an issue that was raised in Iraq's statement at the forty-sixth session of the Governing Council of the Commission. The secretariat, however, did not adopt any definite position. Consequently, we requested the Commission's Governing Council and secretariat to take action to give Iraq a realistic period in which to study the fourth instalment of environmental claims and proposed that the period allotted to Iraq for answering them should start at the beginning of April 2003.

The delegation of the Government of Iraq to the forty-sixth session of the Governing Council of the United Nations Compensation Commission learned, during a meeting with the Executive Secretary of the Commission, that the secretariat of the Commission was preparing and intended to send the documents of the fifth instalment of environmental claims in mid-January of the current year and would require the Government of the Republic of Iraq to answer them during the period while the Government was busy producing the answer for the third instalment and preparing to start work on its answer for the fourth instalment, as indicated above. This manner of proceeding involves the use of time constraints to prevent Iraq from studying the claims in question and will deprive it of the exercise of its right to defend its rights and detect any attempted extortion, fraud or theft contained in those claims.

In addition to the above, the Governing Council, in its decision 132 of 2001, approved the payment of $243 million to a number of claimant States for conducting environmental monitoring and assessment activities with a view to the submission of the documents and vouchers required to support their environmental claims.

The submission of those documents did not coincide in time with Iraq's receipt of the environmental claim documents, but rather came much later, when the time limit set for submission of answers had approached its term. The same is true in respect of the third instalment, inasmuch as we received the documents and vouchers more than halfway through December 2002, when the final answer is to be submitted in the subsequent month (January 2003). Consequently, it will be difficult, from the practical standpoint, at this time of the year for Iraq to have the opportunity to make a thorough study and analysis of those documents and submit the related answer.

We therefore consider it imperative to study this matter and fix a timetable for the review of the environmental claims in order to synchronize it with the submission of the documents and vouchers relating to environmental monitoring and assessment projects.

We therefore request you to take action rapidly in order to prevent the United Nations Compensation Commission from using time constraints and interference, as described above, to prevent the Government of Iraq from exercising its legitimate right to study the environmental claim documents and prepare appropriate answers regarding them.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs